

**ENTERED**

December 22, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

ALLSTATE VEHICLE & PROPERTY §  
INSURANCE, CO., §  
§  
VS. § 3:20-CV-00261  
§  
MICHAEL SHAWN CUMBERLAND, §  
ET AL., §

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On November 12, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 26. On December 2, 2020, Judge Edison filed a memorandum and recommendation (Dkt. 31) recommending that Defendant Connor Joseph Rennick's 12(b)(1) Motion to Dismiss or Alternatively to Abstain or Stay (Dkts. 10) and Cumberland Family's Motion to Dismiss or Alternatively Motion to Abstain or Stay (Dkt. 11) be granted.

On December 16, 2020, the plaintiff filed its objection to the memorandum and recommendation. Dkt. 35. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 31) is approved and adopted in its entirety as the holding of the court;
- (2) Defendant Connor Joseph Renick's 12(b)(1) Motion to Dismiss or Alternatively Abstain or Stay (Dkt. 10) and Cumberland Family's Motion to Dismiss or Alternatively to Abstain or Stay (Dkt. 11) are granted; and
- (3) This case is dismissed.

Signed on Galveston Island on the 22nd day of December, 2020.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE